

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven Bauman on January 20th 2010.

The application has been amended as follows:

Claim 4 now reads:

4. (Currently Amended) A container as claimed in Claim 1 wherein the tamper evident feature is **additionally** a frangible connection between the closure and the container body.

Claim 42 now reads:

42. (Currently Amended) A resealable container, comprising: a unitarily molded, polymeric, elongated hollow body having a front, a back, a sealed end, an internal wall defining an internal cavity, and a single opening into the internal cavity defined by an open end opposing the sealed end, wherein a product can be placed into the cavity through the opening; a closure comprising an external surface, an internal surface, a pair of spaced grips projecting from the internal surface to hold the product between the grips in a fixed relationship relative to the

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internal surface, a flexible hinge unitarily molded between the closure and the body adjacent the open end, the closure selectively pivotable around a closure pivot axis between an open position wherein the opening is exposed and a closed position wherein the closure overlies the opening, one of the open end or the closure comprising an annular channel and the other of the open end or the closure comprising a rim, wherein a user can axially move the closure toward the body open end to snap fit engage the annular channel and the rim and provide an airtight seal between the cavity and the environment outside the body and a user can axially move the closure away from the body open end to disengage the annular channel and the rim; and a display board having a free end, a support end opposing the free end, a flexible hinge unitarily molded between the display board and the body, a display face and an opposing back face, and an aperture between the display face and back face defined in the free end, wherein the free end is pivotable around a display board pivot axis perpendicular to the closure pivot axis, the display board pivotable from a first position wherein the display face is in the same direction as the body front, the back face is in the same direction as the body back, the display board support end is proximate the body open end, and the display board free end extends away from the body to a second position wherein the display face is in the same direction as the body back, the back face is in the same direction **as the body front** and adjacent to the body back, the display board support end is proximate the body open end, and the free end is adjacent the body closed end, the display board comprising a

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projection extending from the display board back face that is engageable within an aperture defined in the first end of the body to selectively retain the display board in the second position, further comprising a tamper evident feature to provide a permanent indication when the closure is moved from the closed position or when the display board is moved from the first position wherein the tamper evident feature is a frangible connection between the closure and the display board.

The above changes to claims 4 and 42 have been made to overcome a 112 second paragraph rejection for failing to particularly point out and distinctly claim the invention.

Election/Restrictions

2. Claim 16 has been cancelled since applicant did not provide reasons for traverse in the paper filed on 7/13/2009.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance: The prior art fails to teach a container with a closure and display board wherein the display board rotates between a first and second position and the closure and display board have a frangible tamper evident connection.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY ALLEN whose telephone number is (571)270-7426. The examiner can normally be reached on Monday through Friday 8:00 AM TO 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. A./
Examiner, Art Unit 3781

/Anthony Stashick/
Supervisory Patent Examiner, Art
Unit 3781